

**House File 2385 - Introduced**

HOUSE FILE 2385  
BY COMMITTEE ON ENVIRONMENTAL  
PROTECTION

(SUCCESSOR TO HF 2154)

**A BILL FOR**

1 An Act relating to littering and illegal dumping and modifying  
2 penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455B.307A, subsection 3, Code 2016, is  
2 amended to read as follows:

3 3. A person who violates this section ~~is subject to a civil~~  
4 ~~penalty not to exceed one thousand dollars for each violation,~~  
5 upon conviction, shall be guilty of a serious misdemeanor.  
6 The revenue from the penalty provided in this subsection  
7 shall be remitted to the treasurer of state for deposit in  
8 the general fund of the state. Fifty percent of such moneys  
9 are appropriated to the state department of transportation  
10 for purposes of the cleanup of litter and illegally discarded  
11 solid waste. The remaining fifty percent of such moneys shall  
12 be deposited in the general fund of the county in which the  
13 violation occurred to be used exclusively for the cleanup and  
14 prevention of illegal dumping.

15 Sec. 2. Section 455B.307A, Code 2016, is amended by adding  
16 the following new subsection:

17 NEW SUBSECTION. 4. This section shall not apply to the  
18 discarding of litter regulated under chapter 455B, division IV,  
19 part 3, and local littering ordinances.

20 Sec. 3. Section 455B.361, subsection 2, Code 2016, is  
21 amended to read as follows:

22 2. "*Litter*" means any garbage, rubbish, trash, refuse,  
23 waste materials, or debris not exceeding ten pounds in weight  
24 or fifteen cubic feet in volume. Litter includes but is not  
25 limited to empty beverage containers, cigarette butts, food  
26 waste packaging, other food or candy wrappers, handbills, empty  
27 cartons, or boxes.

28 Sec. 4. Section 602.8108, subsection 11, Code 2016, is  
29 amended to read as follows:

30 11. a. The state court administrator shall allocate fifty  
31 percent of all of the fines attributable to littering citations  
32 issued pursuant to sections 321.369, 321.370, and 461A.43 to  
33 the treasurer of state for deposit in the general fund of the  
34 state and such moneys are appropriated to the state department  
35 of transportation for purposes of the cleanup of litter and

1 illegally discarded solid waste.

2 b. The state court administrator shall allocate fifty  
3 percent of all moneys collected from the illegal dumping  
4 penalty provided in section 455B.307A to the state department  
5 of transportation for purposes of the cleanup of litter and  
6 illegally discarded solid waste. The remaining fifty percent  
7 of such moneys shall be deposited in the general fund of the  
8 county in which the violation occurred to be used exclusively  
9 for the cleanup and prevention of illegal dumping.

10

EXPLANATION

11 The inclusion of this explanation does not constitute agreement with  
12 the explanation's substance by the members of the general assembly.

13 This bill removes the civil penalty of up to \$1,000 for each  
14 violation of illegal dumping and replaces it with a criminal  
15 penalty that is a serious misdemeanor. A serious misdemeanor  
16 is punishable by confinement for no more than one year and a  
17 fine of at least \$315 but not more than \$1,875.

18 The bill requires the state court administrator to allocate  
19 50 percent of all moneys collected from an illegal dumping fine  
20 to the state department of transportation for purposes of the  
21 cleanup of litter and illegally discarded solid waste. The  
22 remaining 50 percent shall be deposited in the general fund of  
23 the county where the violation occurred to be used only for the  
24 cleanup and prevention of illegal dumping. This is also the  
25 current allocation for the civil penalty that is imposed under  
26 current law.

27 The bill adds language to the definition of "litter" to  
28 provide that it includes items not exceeding 10 pounds in  
29 weight or 15 cubic feet in volume and includes but is not  
30 limited to empty beverage containers, cigarette butts, food  
31 waste packaging, other food or candy wrappers, handbills, empty  
32 cartons, or boxes.